

OGC Electronic Freedom of Information - Freedom of Information Act Request: ICE MOUs/MOAs (Bureau of Prisons)

From: <76004-57629209@requests.muckrock.com>
To: OGC Electronic Freedom of Information <ogc_efoia@bop.gov>
Date: 6/24/2019 11:30 AM
Subject: Freedom of Information Act Request: ICE MOUs/MOAs (Bureau of Prisons)
Attachments: Fee20category20and20search20parameters.pdf

Bureau of Prisons
FOIA Office
Room 841, HOLC Building
320 First Street, N.W.
Washington, DC 20534

June 24, 2019

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Copies of Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving Immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and the present.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

Filed via MuckRock.com

E-mail (Preferred): 76004-57629209@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAj5X9kF2HJLBC4p7DqLH5avIs%3A1hfQvG%3AZ0_xNDVVw94vkLf2oU1YxU2iGEo&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fbureau-of-prisons-)

[url_auth_token=AAAj5X9kF2HJLBC4p7DqLH5avIs%3A1hfQvG%3AZ0_xNDVVw94vkLf2oU1YxU2iGEo&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fbureau-of-prisons-](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAj5X9kF2HJLBC4p7DqLH5avIs%3A1hfQvG%3AZ0_xNDVVw94vkLf2oU1YxU2iGEo&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fbureau-of-prisons-)

[41%252Fice-mousmoas-bureau-of-prisons-76004%252F%253Femail%253Dogc_efoia%252540bop.gov](mailto:Fice-mousmoas-bureau-of-prisons-76004@FemailDogc_efoia%252540bop.gov)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 76004
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as Gizmodo, MuckRock, Motherboard, Property of the People, Unicorn Riot, and The Outline, among others. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and the journalist non-profit MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Further, case law states that "proof of the ability to disseminate the released information to a broad cross- section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F. 3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.